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IN THE

Supreme Court of the United States

OCTOBER TERM 1951

No. 401

KONRAD G. JOHANSEN,

Petitioner,

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

REPLY MEMORANDUM

WILLIAM L. STANDARD,
Attorney for Petitioner.

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REPLY MEMORANDUM

We take this opportunity to call attention to a recent unreported decision affecting the subject matter involved herein. Following the rule applicable in the Ninth Circuit (see *United States* v. *Loyola*, 161 F. 2d 126), on November 14, 1951, District Judge George B. Harris awarded substantial damages to the next of kin of ten civilian seamen who lost their lives when a public vessel on which they were employed, the Clarksdale Victory, ran on the reefs, as a result of negligent navigation. In that case, *Cerardo* v. *United States*, ____ F. Supp. ____, Judge Harris thus continued to follow the rule applicable in his Circuit, as well as in the Fourth Circuit, notwithstanding the contrary conclusions which had been reached in the Second and Third Circuits, in the *Johansen* and *Mandel* cases, respectively.

Respectfully submitted,

WILLIAM L. STANDARD,
Attorney for Petitioner.